

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

D.O.C.K. Management, Inc.,
dba Ford-Hyundai of Kirkland,

Plaintiff,

v.

GRANITE STATE INSURANCE COMPANY,
and DOES 1-20,

Defendants.

NO. 2:20-cv-01563-RSM

**JOINT AND STIPULATED MOTION
TO CONTINUE CASE SCHEDULE
AND TRIAL AND ORDER**

I. INTRODUCTION AND RELIEF REQUESTED

Pursuant to LCR 10(g), the parties hereto jointly stipulate and move for an extension by 90 days of the Order Setting Trial Date & Related Dates entered by the Court on January 21, 2021. Dkt. at 11. This motion is based on the parties' agreed factual statement, and the records and pleadings on file in this matter.

II. AGREED STATEMENT OF FACTS

On August 28, 2020, Plaintiff D.O.C.K. Management, Inc., dba Ford-Hyundai of Kirkland filed its Complaint for Breach of Contract, Bad Faith, and violation of the Washington Consumer Protection Act, RCW 19.86 *et seq.* in King County Superior Court. Dkt. at 1-1. Plaintiff's claim arises from Defendant Granite State Insurance Company's denial of coverage under a policy of insurance issued by Defendant for Plaintiff's loss caused by the

1 fraud and criminal conduct of Hussain K. Alshafei and Andrew Todd. Dkt. at 1-1, ¶¶ 3.1-
2 3.11. Contractual and extra-contractual claims are alleged against Defendant for improperly
3 denying Plaintiff's claim for coverage. Dkt. 1-1, ¶¶ 4.1-6.4.

4 On October 6, 2020, the Complaint was removed to this Court. Dkt. at 1. The parties
5 filed their Corporate Disclosure Statements on November 2, 2020. Dkt. at 4, 5. Defendant
6 filed its Answer and Counterclaims to Plaintiff's Complaint on December 2, 2020 and
7 Plaintiff filed its Answer to Defendant's Counterclaims on December 23, 2020. Dkt. at 8, 9.
8 The parties conferred about litigation issues, including possible early settlement. On January
9 1, 2021, the parties filed their Joint Status Report and Discovery Plan representing discovery
10 should be completed by November 30, 2021 and that the parties would be ready for trial on
11 January 31, 2022. Dkt. at 10, pp. 2, 5.

12 The Court issued its Order Setting Trial Date & Related Dates on January 21, 2021.
13 Dkt. at 11. That Order sets the discovery cut-off deadline on November 29, 2021. Dkt. at 11,
14 p. 1.

15 Written discovery has been ongoing among the parties and they have engaged in a
16 few discovery conferences to resolve virtually all outstanding issues including the need for
17 extensions on response deadlines.

18 Plaintiff sent written discovery requests to Defendant on June 10, 2021 and did not
19 receive Defendant's responses to these requests until September 17, 2021. Plaintiff did not
20 receive Defendant's document production until September 27, 2021. 3848 pages of
21 documents have been produced by Defendant and Plaintiff remains in the process of
22 reviewing Defendant's extensive document production.

23 Defendant issued its own written discovery requests to Plaintiff on November 3, 2021.
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1 Plaintiff is still in the process of compiling extensive responsive documents and reviewing for
2 privilege to properly respond to Defendant's requests for production. Given the proximity of
3 the deadline for discovery at the time of the filing of this Joint and Stipulated Motion, Plaintiff
4 will not be able to properly respond to Defendant's discovery requests prior to the deadline.

5 In addition to the foregoing, unforeseen personnel changes at the firm of Plaintiff's
6 counsel have resulted in further delays in responding to Defendant's discovery requests,
7 reviewing Defendant's document production, preparing this matter for trial, and filing any
8 dispositive motions.

9 The parties believe and represent that they have worked cooperatively throughout this
10 litigation regarding pleadings, motions, and discovery issues. They have also frankly and
11 often explored early settlement possibilities and will continue to do so. They believe that
12 completion of outstanding and further discovery should narrow the issues between them for
13 mediation or, if that is unsuccessful, for trial. In addition, the parties intend to file dispositive
14 motions, which should further narrow the issues to be tried.

15 The parties believe it would conserve judicial resources, assist in expediting
16 settlement, and be in the best interests of each of them, to allow additional time to complete
17 discovery, consider settlement, complete mediation, and file and obtain rulings on dispositive
18 motions before further efforts are made, and costs and fees incurred, to prepare this matter for
19 trial. Accordingly, they jointly request an extension of the Case Schedule deadlines by at least
20 90 days.
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22 III. AUTHORITIES AND ARGUMENT

23 LCR 10(g) provides: "If a stipulated motion would alter dates or schedules previously
24 set by the court, the parties shall clearly state the reasons justifying the proposed change."
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1 Here, the parties have diligently continued with discovery while exploring settlement.
2 Discovery is incomplete and unforeseen personnel changes at the firm of Plaintiff's counsel
3 have resulted in delays that require that the Court's deadlines be extended.

4 The parties believe good cause to extend the Case Schedule by a period of at least 90
5 days is shown by the parties' diligent and continued efforts to settle their dispute,
6 cooperatively resolve discovery issues, and narrow the issues for trial by stipulations and
7 motions.

8 IV. CONCLUSION

9 Based on the foregoing, the parties hereto jointly stipulate and move that the Court
10 enter an Order extending by at least 90 days the Order Setting Trial Date & Related Dates
11 entered by the Court on January 21, 2021. Dkt. at 11.
12

13 DATED this 29th day of November, 2021

14 **ANGLIN FLEWELLING & RASMUSSEN, LLP**

15 /s/ Robert A. Bailey
16 Robert A. Bailey, WSBA No. 28472
17 701 Pike Street, Suite 1560
18 Seattle, WA 98101
19 Phone: (206) 492-2300
20 Email: rbailey@afrcr.com
21 *Counsel for Plaintiff*

22 **GORDON THOMAS HONEYWELL, LLP**

23 /s/ Michael E. Ricketts
24 Michael E. Ricketts, WSBA No. 9387
25 520 Pike Street, Suite 2350
Seattle, WA 98101
Phone: (206) 676-7500
Email: mricketts@gth-law.com
Counsel for Defendant Granite State Insurance Company

1 PURSUANT TO THIS STIPULATION, IT IS ORDERED that the parties' Joint and
2 Stipulated Motion to Continue Case Schedule and Trial is GRANTED. Trial will be
3 continued to **July 18, 2022**. The Court will issue a new case scheduling order consistent with
4 this ruling.

5 DATED this 30th day of November, 2021.

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9 RICARDO S. MARTINEZ
10 CHIEF UNITED STATES DISTRICT JUDGE
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